

July 15, 2014

VIA ECF

Honorable Kimba M. Wood
United States District Judge
United States Courthouse
500 Pearl Street, Room 15B
New York, New York 10007

Re: *Gulino, et al. v. Board of Education*, 96-CV-08414 (KMW)

Dear Judge Wood:

The parties write to request that the Court approve the text and the logistical details of class notice to be given to the current Rule 23(b)(3) class. The parties have agreed that notice to the class should be by: (1) mail, (2) publication in print media, and (3) publication on the radio. Drafts of the texts for notice by mail and print media are enclosed as exhibits A and B, and the text for radio publication is enclosed as exhibit C. The parties respectfully request that the Court approve each.

A. Notice by Mail

The defendant Board of Education (“BOE”) has contracted with a vendor who specializes in large mailings to prepare and mail the class notice. The parties are finalizing the mailing list to ensure it includes all potential class members of whom the parties are currently aware. The BOE will pay all costs associated with mailing out the class notice.

B. Publication in Print Media

Because of the age of this case and the fact that many class members have left the BOE, the parties are concerned that class members may no longer live at the most recent addresses on file with the BOE. As a result, the parties have also agreed to publish class notice in local print media.

Class notice will be published in each publication on the schedules noted below for four consecutive weeks beginning when class notice is mailed. The notice will appear with a headline in bold typeface, be surrounded by a dark border, be of a size the parties agree on, and be placed in the local news section or other prominent location agreed to by the parties.

The parties have agreed to place notice in the following publications:

- New York Daily News (Sunday and Wednesday editions)
- New York Post (Monday and Thursday editions)

- Metro (Tuesday and Friday editions)
- AM New York (Tuesday and Thursday editions)
- The Chief Leader (monthly publication)
- Amsterdam News (monthly publication)
- Caribbean Life (monthly publication)

The plaintiffs also believe that notice should be published in the *New York Teacher*, a bi-weekly publication of the United Federation of Teachers (“UFT”) sent to all UFT members. The UFT is the union that represents all BOE teachers. Because every class member was, or still is, a teacher with the BOE, the UFT newsletter is a publication likely to reach potential class members. The BOE does not object to, but does not join in, the plaintiffs’ request to publish in the *New York Teacher*.

The BOE will pay for all costs associated with placing class notice in these print publications.

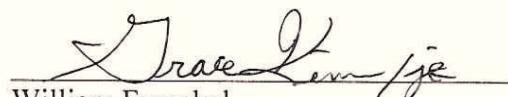
C. Radio Publication

The parties will also identify local New York radio stations over which to broadcast class notice. The parties agree that the BOE will arrange for the advertisement at exhibit C to be broadcast on each selected station four times daily between 6am and 6pm and one additional time daily between 6pm and midnight. The radio advertisement will continue for four consecutive weeks beginning when class notice is mailed. The BOE will take all necessary steps to ensure that one or more professionals who work for the radio stations and who have experience speaking in radio advertisements will read the radio advertisements. The BOE will pay for all costs associated with publication on the radio.

* * *

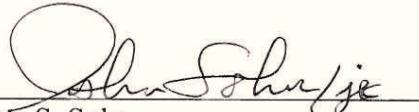
The parties are available to address any questions the Court may have.

Respectfully submitted,



William Fraenkel
Grace Kim
Assistant Corporation Counsel
New York City Law Department
100 Church Street, Rm. 2-197
New York, New York 10007
(212) 356-2442

*Attorneys for Defendant
New York City Department of Education*



Joshua S. Sohn
Anthony D. Gill
DLA Piper LLP (US)
1251 Avenue of the Americas
New York, New York 10020
(212) 335-4500

Attorneys for Plaintiffs

Encl.